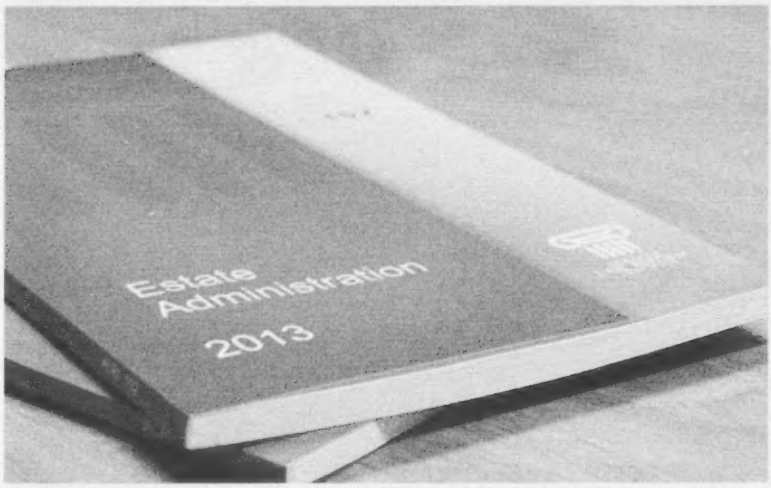
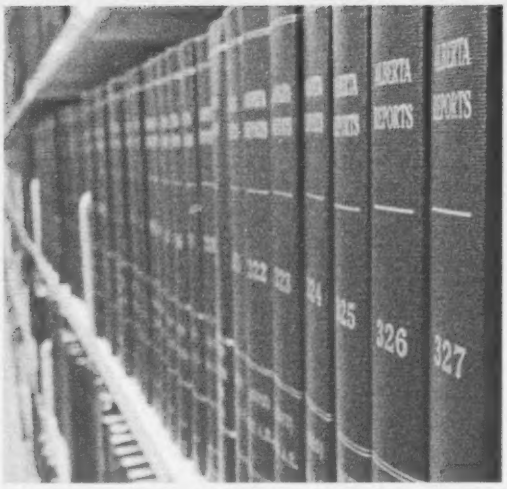
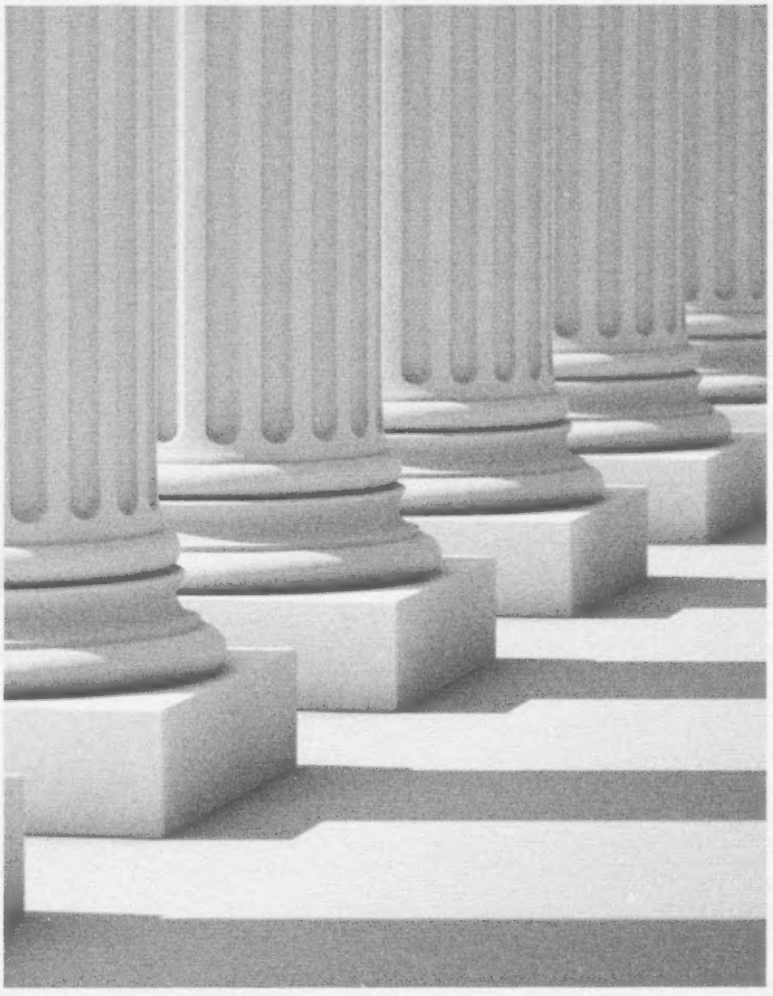


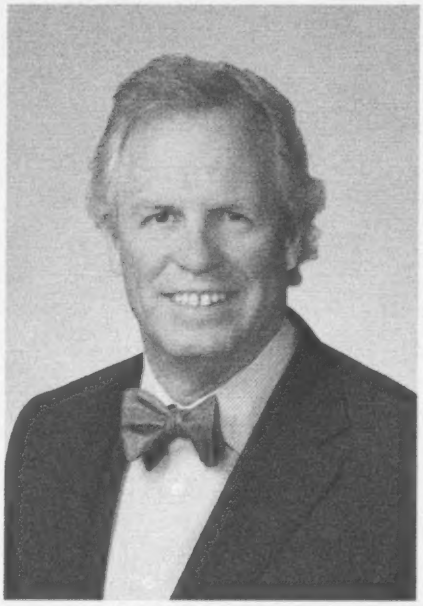


ALBERTA LAW REFORM INSTITUTE ANNUAL REPORT 2013 2014



ALBERTA
LAW REFORM
INSTITUTE

From the Chairman



James S Peacock QC, Chairman

The Alberta Law Reform Institute (ALRI) was founded in November of 1967 by an agreement among the Province of Alberta, the Law Society of Alberta, and the University of Alberta. Each determined that it was in the public interest that there be a permanent law reform body, and each agreed that there was individual benefit to the parties from their participation in the formation of a law reform agency. The Institute has been renewed by successive five-year agreements since then. The current agreement was signed in April 2012.

The University of Calgary has been represented on the ALRI Board since 1977 and there are currently two ALRI counsel located in the Institute's office in the Faculty of Law at the University of Calgary.

In 2013, ALRI was faced with a significant reduction in funding from the Province of Alberta, which led to a careful and thorough review of how the Institute conducts its activities. Based on the review and discussions with the Institute's funders, and notwithstanding the challenges posed by resource constraints, we remain confident that ALRI has the resources to continue to serve the public interest as an effective and robust law reform agency.

From the Director

Peter JM Lown QC, Director

The Alberta Law Reform Institute has completed 46 years of contribution to the law and administration of justice in Alberta. The current agreement to continue ALRI's role as the official law reform body in Alberta was signed in April 2012.

When ALRI was first formed it was a unique arrangement for a law reform agency. Blending the commitments of the Government of Alberta and the Law Society with a commitment to research excellence through the University of Alberta was seen as the best way of giving law reform the prominence that the task demanded. Over the years, the rate of implementation of proposals is a tribute to the foresight and attention of the founders. Law reform is a public and interactive process and ALRI would not have been so productive without the significant contributions of a host of volunteers who give their time to consultations and project work. I express my personal gratitude for all these contributions.

This report spans April 2013 to March 2014 and reflects ALRI's alignment of its reporting period to a fiscal year ending March 31. Previously the Annual Report contained a great deal of information that is now on our website, www.alri.ualberta.ca. The following elements are now online:

- Audited Financial Statements
- Table of Implementation of our recommendations
- Current and potential projects
- Our project work process
- Staff, Board and Volunteers

You can also follow ALRI on social media. You can track law reform activity and consultation opportunities on @ablawreform.

Board and Staff

Board Members

James S Peacock QC, Chairman	Partner, Gowling Lafleur Henderson LLP, Calgary
Nigel D Bankes	Professor, Faculty of Law, University of Calgary
Philip L Bryden	Dean, Faculty of Law, University of Alberta
Anne S de Villars QC	Partner, de Villars Jones, Edmonton
Mona T Duckett QC	Partner, Dawson Stevens Duckett & Shaigec, Edmonton
James T Eamon QC	Partner, Gowling Lafleur Henderson LLP, Calgary
The Honourable Judge Charles D Gardner	Assistant Chief Judge, Provincial Court of Alberta
William H Hurlburt QC	Director Emeritus, Alberta Law Reform Institute
Anne L Kirker QC	Partner, Norton Rose Fulbright Canada LLP, Calgary
Ritu Khullar QC	Partner, Chivers Carpenter, Edmonton
Peter JM Lown QC	Director, Alberta Law Reform Institute
The Honourable Justice Alan D Macleod	Court of Queen's Bench of Alberta
Nolan D Steed QC	Executive Director, Legal Policy, Alberta Justice
Douglas R Stollery QC (to November 2013)	General Counsel, PCL Constructors Inc. Edmonton

Staff

Peter JM Lown QC	Director
Shannon Brochu	Counsel
Carol Burgess	Administrator
Barry Chung	Communications Assistant
Debra Hathaway	Counsel
Ilze Hobin	Administrative Assistant
Cheryl Hunter Loewen	Counsel
Jenny Koziar	Assistant to the Director
Maria Lavelle	Counsel
Sandra Petersson	Counsel and Research Manager
Geneviève Tremblay-McCaig	Counsel

Board and Staff

The finished product of law reform owes a lot to the experience and analytical ability of a variety of parties. ALRI has been fortunate in both the quality and dedication of its Board members. By agreement of the founding parties, the Board consists of: one elected Bencher, appointed by the Benchers of the Law Society of Alberta (James Eamon QC); the Provost of the University of Alberta or the Provost's designate; one person appointed by the Faculty of Law of the University of Alberta (Dean Philip Bryden is currently filling both positions); one person appointed by the Faculty of Law of the University of Calgary (Professor Nigel Bankes); two persons appointed by the Minister of Justice (Nolan Steed QC, and William Hurlburt QC); and ALRI's Director (Peter Lown QC). In addition, there are four to seven members-at-large appointed after an open and transparent recruitment process (James Peacock QC, Anne de Villars QC, Mona Duckett QC, Honourable Judge Charles Gardner, Ritu Khullar QC, Anne Kirker QC, and Honourable Justice Alan Macleod are the current members-at large). Since 2012, appointments have been limited to three terms of three years. The terms of two members are set to expire in 2014. ALRI's subcommittee on Board Succession and Development is actively planning for new members.

In 2013, ALRI said goodbye to Douglas Stollery QC. Once a summer student with ALRI, Doug's career has been an outstanding example of integrity and public service. In 2013 he was recognized by the University of Alberta as a Distinguished Alumnus, in addition to several other awards.

ALRI is also very fortunate to have an excellent legal staff. Collectively, our legal staff has more than 50 years of active experience in law reform. A variety of postgraduate qualifications in law, legal drafting, negotiation and business complement the strong legal skills that they bring to each project. This past year saw a few staff changes. Elizabeth Robertson retired after four years of outstanding contribution. Shannon Brochu, formerly our Research Associate, was appointed as Counsel in July 2013. Cheryl Hunter Loewen returned to the Institute in July 2013 after a year on leave in New Zealand. The Director was also away for a short period of leave in 2014. In his absence, Sandra Petersson served as Acting Director.

The work of the Board and ALRI's legal staff would not be possible without the tremendous support of our administrative staff. ALRI is fortunate to have a strong administrative team that seamlessly looks after the daily logistics of running a research and policy unit and a publishing branch.

ALRI is also proud to support the career goals of law students through our summer research assistants' programme. Summer students at ALRI gain exposure to a wide range of legal topics both through our existing projects and in helping us to identify new topics. In 2013 we employed two University of Alberta law students, Melissa Preston and Jarrod Hone and one University of Calgary law student, Samantha Boyce.

We also appreciate the ongoing support of the University of Alberta and the University of Calgary. Both Universities provide office space for ALRI's operations. The University of Alberta also provides funding and administrative services.

Activities

ALRI values its relationship with the bar and bench and relies on the profession as an essential source of feedback on law reform proposals. A full understanding of any area of law under review must include input on how the law works in practice.

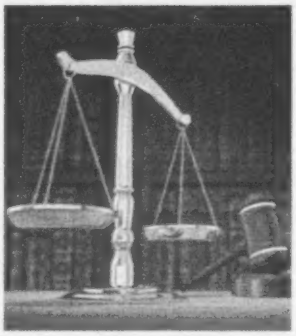
In the past year, ALRI has expanded its consultation process. Through electronic surveys we are able to reach a broader range of lawyers. In the past, ALRI has relied on an extensive hard copy mailing list; once a consultation document arrived at a law firm, it may not have found its way into the hands of the experts we need to hear from. With the kind support of the Law Society of Alberta and the Canadian Bar Association we have been able to connect with a broader range of lawyers regarding our projects and consultation opportunities. Electronic surveys also make it easier for us to reach members of the public. Our survey of the needs of non-profit associations produced valuable data and 588 responses directly from the organizations. In the past year we received feedback from more than 950 lawyers and members of the public.

ALRI is also committed to building and enhancing our relationships with other legal agencies. Our commitment is clear in the number of seminars and meetings where ALRI counsel take a lead role during the year. ALRI was involved in six presentations to the Canadian Bar Association, including the Alberta Law Conference and the Canadian Legal Conference. ALRI also had presenters at two seminars by the Legal Education Society of Alberta which were each held in Edmonton and Calgary. In addition, ALRI sent representatives to technical consultations by Alberta Justice on Estate Administration and Civil & Family Justice. ALRI also maintains close ties with the Law Society of Alberta and the Director attends Benchers' meetings to report on ALRI activities.

Activities

ALRI was active in the legal community this past year delivering seminars and presentations with the Legal Education Society of Alberta, Canadian Bar Association, Alberta Law Conference and several other Alberta Legal agencies.

Final Report 102
Estate Administration was published in August 2013. It was covered by prominent legal blogs ABlawg and SLAW. A new Estate Administration Act was passed in March 2014. Download the report here.



The recommendations in Final Report 100, Criminal Trial Proceedings are reflected in Practice Notes issued by the Court of Queen's Bench. Criminal Practice Note No. 6 can be found here.

Final Report 103
Arbitration Act: Stay and Appeal Issues was published in September 2013. Download the report here.

Final Report 104
Beneficiary Designation by Substitute Decision Makers was published in March 2014. Download the report here.

The Alberta Law Reform Institute joined its Federation of Law Reform Agencies of Canada counterparts for a collaborative learning symposium hosted by the British Columbia Law Institute and Saskatchewan Law Reform Commission.

Activities

In April 2013, the Muttart Foundation hosted a consultation conference in Banff, Alberta. The Alberta Law Reform Institute had the opportunity to meet with more than thirty experts from non-profit sectors across Canada, the United States, Australia and the United Kingdom. This opportunity to exchange information and discuss key issues has helped to shape ALRI's project on Non-Profit Corporations.

At a national level, ALRI interacts regularly with the Uniform Law Conference of Canada (ULCC). Partnership with the ULCC is a valuable contribution to the overall law reform program in Alberta. ALRI regularly sends representatives to the Conference's annual meeting held in August of each year. This past August, the Director and Research Manager participated in the meeting. Involvement in the ULCC allows Alberta views to be heard at the policy development stage. It also streamlines the process for assessing whether and how uniform legislation should be implemented in Alberta. ALRI is currently considering two uniform acts for implementation: the Reviewable Transactions Act and the Trustee Act. ALRI is also involved, at the policy development stage, in the Uniform Interpretation Act.

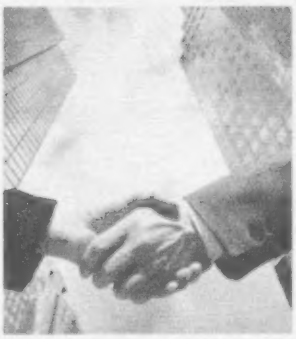
It is important for Counsel to step away from day-to-day project work on occasion and to take the time to develop and share skills and experiences as full-time law reformers. In Canada this occurs through regular symposiums held by the Federation of Law Reform Agencies of Canada. The British Columbia Law Institute and the Law Reform Commission of Saskatchewan hosted the Symposium in Vancouver in February 2014. Members of the law reform community were able to share ideas and work together to develop new methods for law reform in Canada.

Upcoming Publications

Final Report
Oaths and Affirmations will be published in 2014.

Final Report
Assisted Reproduction: Parentage and Succession for After-Born Children will be published in 2014.

Final Report
Reviewable Transactions: Implementing Uniform Legislation will be published in 2014.



Final Report
Trustee Act: Implementing Uniform Legislation will be published in 2014.

Consultation Document
Matrimonial Property Act: Date of Valuation, Debt, and Dissipation will be published in 2014.

Final Report
ALRI's work on Non-Profit Corporations continues with advisory group consultations. A final report is expected to be complete in 2014.

Thank You for Your Support

The work of law reform would not be possible without the ongoing financial support of our key funders:

The Alberta Law Foundation
Alberta Justice and Solicitor General
The University of Alberta

Support in kind is also provided by:

The University of Alberta
The University of Calgary
Gowling Lafleur Henderson LLP
Norton Rose Fulbright Canada LLP
PCL Constructors Inc.

The following organizations facilitated consultations carried out by ALRI:

The Law Society of Alberta
The Canadian Bar Association, Alberta Branch
Alberta Justice and Solicitor General
Muttart Foundation
Borden Ladner Gervais

In addition to those who provided oral or written feedback on our projects, ALRI would like to thank the following individuals who volunteered their time in connection with ALRI projects.

John C Armstrong QC
Peter Broder
Professor Tamara Buckwold
C Yvonne Chenier QC
Laird Hunter QC
The Honourable Justice Craig M Jones
Donna Molzan QC
Dennis J Pelkie QC
Karen A Platten QC
Philip J Renaud QC
Ruth Spetz

Future Planning

A law reform agency is in the business of change. ALRI not only makes proposals for legal change but itself experiences ongoing change in many forms. Through our project selection process in 2013, we have approved work in a number of areas which may lead to new projects – Cohabitation, Builders' Liens and Travel Insurance.

ALRI has also set out a multi-year business plan. A key goal in that business plan is to determine how ALRI should operate and position itself in an electronic environment. As part of that process ALRI is building a plan to move from hard copy to primarily electronic publishing of its reports and consultation documents. We also aim to promote ALRI's website as an important component of legal information and research.

ALBERTA
LAW REFORM
INSTITUTE

Your Views

All of our reports are freely available electronically on our website.
A limited number of hard copies are available on request.

We encourage you to contact us. The Your Views section on our website was designed to let you choose to be added to our electronic mailing list or provide comments on the current projects we are working on. You can also use this option to suggest an area for review that we are not currently addressing.

You can also follow us on Twitter at @ablawreform for the latest on our projects and developments in Alberta Law.

Alberta Law Reform Institute

402 Law Centre
University of Alberta
Edmonton, AB T6G 2H5

Phone: 780-492-5291
Fax: 780-492-1790
E-mail: lawreform@ualberta.ca

www.alri.ualberta.ca

@ablawreform